



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/723,660

11/26/2003

Rick James Morse

D0932-00428 [VS-8855]

8809

8933

7590

06/02/2006

DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/723,660	Applicant(s) MORSE, RICK JAMES	
	Examiner Yvonne M. Horton	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-16, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 17-19, 21-24 and 27 is/are rejected.
- 7) ☒ Claim(s) 5, 8 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,5,7,10,16,17,26 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The metes and bounds of the claims cannot be determined. It cannot be determined how "flush" the "substantially flush" member must be in order to fall within the metes and bounds of the claims, or how much the member "matches" the "substantial angle", "substantially flush" regarding only the "portion and the wall" or with regards to the "portion and the siding member itself", etc. The same stands for "generally rectangular".

Clarification and correction are required in response to this Action.

Claim Rejections - 35 USC § 102

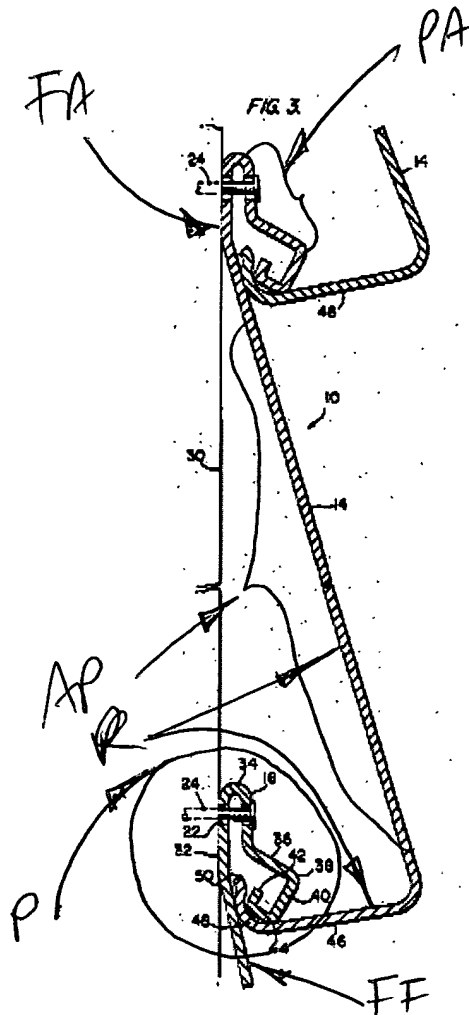
The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,4,6 and 27 stand and claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,334,396 to HAGOPIAN. Regarding claims 1 and 27, HAGOPIAN discloses the use of a siding panel (10) having a front (14) and rear face

Art Unit: 3635

(R), wherein the rear face (R) has a first area (FA) at a top end that is flush with the vertical wall (30), and an angled portion (AP) that overlaps at least a portion (P) of a second siding panel (10) see below. The rear face (R) includes a portion (48) proximate a bottom end thereof that rests upon a front face (FF,14) of the second siding panel (10). In reference to claim 4, the first area (FA) is reinforced via portions (16, 32, 36, 40). Regarding claim 6, the reinforced area (16, 32, 36, 40) includes a planar face (32) that is flush with the vertical wall (30). With further reference to claim 27, the first portion that is obliquely angled is portion (AP), and the second portion that is flush is portion (FA). Regarding claim 28, the second portion (FA) includes a protruding area (PA), see below.

Claims 17-19 and 21 stand rejected under 35 U.S.C. 102(b) as being anticipated by US Patent #4,334,396 to HAGOPIAN. The structure of HAGOPIAN inherently discloses the method of installing the siding panel, as detailed above, including the steps of providing the panel and attaching a first panel and a second panel to a structure (30) such that a rear face (R) of the siding (10) includes a portion (48) proximate a bottom end thereof that rests upon a front face (FF,14) of the second siding panel (10), see figure 3. Regarding claim 18, the first area (FA) is reinforced via portions (16, 32, 36, 40). In reference to claim 19, the attaching step involves driving a blind nail (24), positioned as at the bottom of figure 3, through the reinforced area (RA) and the vertical wall (30). Regarding claim 21, the attaching step also includes driving a nail (24), as at the top of figure 3, through the first area (FA).



Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2,3,22 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,334,396 to HAGOPIAN in view of US Patent #6,065,260 to DICKEY et al. HAGOPIAN discloses the basic claimed invention except for detailing that the siding panel is a wood clapboard. DICKEY et al. teaches that it is known in the art to form a siding member (10) out of wood clapboard, column 3, lines

Art Unit: 3635

24-25 and 27-28. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the siding member of HAGOPIAN out of the wood clapboard material, as taught by DICKEY et al., in order to create a siding member that is durable, and is aesthetically pleasing in that it resembles the appearance of a natural wood product.

Claims 7 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,334,396 to HAGOPIAN. HAGOPIAN discloses the basic claimed invention except for detailing the specifics of the degree that the angled member is positioned. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select an angle suitable for the use intended as an obvious matter of design choice. Thus, perhaps a large angle would be used if there exists a need to expel water from the surface of the siding member.

Allowable Subject Matter

Claims 5,8 and 20 remain objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 9-16 and 25-26 stand as being allowed.

Response to Arguments

Regarding the applicant's concern as to why certain references are crossed out on the returned 1449, the crossed out references are in duplicate on the IDS's submitted on 11/12/04 and 11/26/03, as such they will only be considered once. Thus as indicated on the 1449 returned for the 11/26/04 IDS, those reference in duplicate of

those already considered on the previously dated IDS dated 11/26/03 will not be considered.

Applicant's arguments with respect to the claims have been considered but are moot in view of the newly revised ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone

Art Unit: 3635

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yvonne M. Horton
Art Unit 3635
05/24/06



Carl D. Friedman
Supervisory Patent Examiner
Group 3600